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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,314	08/25/2000	Andrej Gregov	249768045US	6403

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT PAPER NUMBER

2171

DATE MAILED: 08/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

10

Office Action Summary

Application No.

09/648,314

Applicant(s)

GREGOV ET AL.

Examiner

Etienne P LeRoux

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 21-24 and 36-39 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-35 is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-20, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claims Withdrawn without Traverse

1. Claims 21-24 and 36-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in a telephone conversation with Mr. Steve Lawrenz on June 5, 2003.

Claim Objections

1. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 13, 14, 18-20, 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No US 2001/0049623 issued to Aggarwal (hereafter Aggarwal '623).

Regarding claims 1, 3, 4 and 25, Aggarwal '623 discloses:

- (a) receiving user input specifying a search string [Fig 5, 505]

Art Unit: 2171

- (b) performing a query of items matching the search string [second input – buying behavior/browsing behavior per paragraph 0061]
- (c) identifying among the items matching the search string a subset of most relevant items [product characterizations per paragraph 0061]
- (e) submitting the items identified in (c) to a recommendation engine [Fig 5, 510 – customer characterization per paragraph 0061]
- (f) receiving from the recommendation engine a set of recommended items based upon the items submitted in (e) [Fig 5, 550 peer group response, paragraph 0062].
- (g) displaying a list of recommended items comprising the items received from the recommendation engine in (e) and the items identified in (c) [Fig 1, 4]
- (h) receiving user input selecting one or more of the items displayed in (g) [paragraph 0017]

Regarding claim 2, Aggarwal '623 discloses a product available for purchase from a web merchant [abstract]

Regarding claim 5, Aggarwal '623 discloses: receiving an input string, performing a word search against the received input string to produce a word search result containing items and using items among the items contained by the word search result as seeds to generate a list of recommended items [Fig 5, 505, Fig 2, 230 and paragraph 0043]

Regarding claim 6, Aggarwal '623 discloses displaying the generated list of recommended items [Fig 1, 4]

Regarding claims 7 and 8, Aggarwal '623 discloses receiving user input modifying the list of seed items and using the modified list of seed items to generate a second list of recommended items [paragraph 0043].

Art Unit: 2171

Regarding claim 13, Aggarwal '623 discloses receiving a recommendation input string, performing a keyword search against the received input string to produce a search result containing items and using among the items contained by the search result as seeds to generate a list of recommended items [paragraph 0043]

Regarding claim 14, Aggarwal '623 discloses displaying a plurality of item indications each indicating an item, receiving user input selecting one or more of the displayed item indications, selecting as seed items the items indicated by the selected item indications, generating a list of recommended items using the selected seed items and displaying the generated list of recommended items [paragraph 0043, Fig 1 and Fig 5]

Regarding claim 18, Aggarwal '623 discloses a display that displays a plurality of item indications each indicating an item, an input receiver that receives user input selecting one or more of the displayed item indicators, a seed selection subsystem that selects as seed items the items indicated by the selected item indications, and a recommended item list generator that generates a list of recommended items using the selected seed items that is displayed by the display [paragraph 0043 and Fig 1]

Regarding claims 19 and 20, Aggarwal '623 discloses one or more computer memories collectively containing a recommendation seed data structure comprising one or more recommendation seed entries, each recommendation seed entry identifying an item expressly specified by a user as a basis for an item recommendation, such that the contents of the data structure may be submitted to a recommendation engine to generate a list of recommended items based upon the items identified by the recommendation seed entries [Fig 1, paragraph 0043]

Regarding claim 26, Aggarwal '623 discloses receiving user modifications to the user-specified recommendation seed base, modifying the user-specified recommendation seed base in accordance with the received user modifications and using the modified user-specified recommendation seed base to produce a second list of recommended items [paragraph 0043]

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 9-12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aggarwal '623 as applied to claim 9 above, and further in view of Pub No 2002/0154157 issued to Sherr et al (hereafter Sherr '157)

Regarding claims 9 and 11, Aggarwal '623 discloses the essential elements of the claimed invention as noted above except for e-mailing the generated list to the user. Sherr '157

Art Unit: 2171

discloses e-mailing the generated list to the user [Paragraph 0074]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aggarwal '623 to incorporate e-mailing the generated list to the user as taught by Sherr '157 for the purpose of providing a quick and convenient notification at the client's desktop [Aggarwal '623, Fig 1]

Regarding claim 10, Aggarwal '623 discloses purchasing [paragraph 0023]

Regarding claim 12, Aggarwal '623 discloses an HTTP request [paragraph 0037]

Regarding claim 17, Aggarwal '623 discloses the essential elements of the claimed invention except for wherein the displayed plurality of item indications are contained in a first electronic mail message to a user, and wherein the user input is contained in a response to the first electronic mail message from the user, and wherein the generated list of recommended items is contained in a second electronic message to the user. Examiner maintains an electronic mail message is well-known and expected in the art [paragraph 0074]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aggarwal '623 to include above limitation for the purpose of providing a quick and convenient notification at the client's desktop [Aggarwal '623, Fig 1]

Allowable Subject Matter

Claims 15 and 16 are allowable for including wherein none of the set of seed items is a rated item having a rating in the user profile.

Claims 27-35 are allowable for including when a displayed control is selected by a user, adding to a list of recommendation seeds products in the group in conjunction with which the

Art Unit: 2171

selected control is displayed so that the list of recommendation seeds contains products in the groups whose controls are selected by the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

August 5, 2003



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